

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-12641

Walter Howard

v.

Robert Murphy

CLERK'S CERTIFICATE

I, Tony Anastas, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original electronic copies and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 3/14/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on March 24, 2005.

Tony Anastas, Clerk of Court

By: *Jeanette Ramos*
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled
case is hereby acknowledged this date: 3/25/05

D. Burchell
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

[cv: apprec.] [cr: kapprec.]

APPEAL

United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-12641-DPW

Howard v. Murphy
Assigned to: Judge Douglas P. Woodlock
Cause: 28:2254 Petition for Writ of Habeas
Corpus (State) Date Filed: 12/09/2004
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: Federal Question

Petitioner

Walter Howard

represented by **Walter Howard**

30 Administration Road
Bridgewater, MA 02324
PRO SE

V.

Respondent

Superintendent Robert Murphy
Nemansket Correctional Center

represented by **Susanne G. Reardon**

Attorney General's Office
One Ashburton Place
18th Floor
Boston, MA 02108
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date	#	Docket Text

Filed	
12/09/2004	•1 PETITION for writ of habeas corpus pursuant to 28:2254, filed by Walter Howard.(Jenness, Susan) Additional attachment(s) added on 2/7/2005 (Jenness, Susan). Additional attachment(s) added on 2/7/2005 (Jenness, Susan). (Entered: 12/16/2004)
12/09/2004	•2 MOTION For Tolling of Time Limits and For Court Order Exempting Petitioner from Limits by Walter Howard.(Jenness, Susan) (Entered: 12/16/2004)
12/09/2004	• If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Jenness, Susan) (Entered: 12/16/2004)
12/20/2004	•3 Judge Douglas P. Woodlock : PROCEDURAL ORDER entered: If petitioner wishes to proceed with this action, he shall, within forty-two (42) days of the date of this Procedural Order, submit the \$5 filing fee or an application to waive prepayment of the filing fee with a certified account statement for the 6-month period immediately preceding the filing of this petition or this action will be dismissed without prejudice for failure to pay the filing fee. The Clerk mailed with a copy of the Procedural Order a blank Application to Proceed Without Prepayment of Fees and Affidavit. (Morse, Barbara) (Entered: 12/20/2004)
12/20/2004	•4 Judge Douglas P. Woodlock : ORDER entered SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order. Sent certified mail, return receipt requested.(Morse, Barbara) (Entered: 12/20/2004)
12/20/2004	• Set Deadlines/Hearings: Petitioner to either pay \$5 filing fee or file a fee-waiver application by 1/31/2005.

		(Morse, Barbara) (Entered: 12/20/2004)
12/21/2004	•5	Receipt for AG of Appellate Division. (Nici, Richard) (Entered: 12/27/2004)
12/24/2004	•13	Return receipt received for mail sent to Robert Murphy Delivered on 12/21/04 (Nici, Richard) (Entered: 01/28/2005)
12/27/2004	•6	Petitioner's NOTICE that he authorized department of correction to pay \$5 filing fee on December 17, 2004 and to deduct fee from his personal institutional account: re payment of fee (prisoner filer) issued to the Treasurer at Talbot House (Nici, Richard) (Entered: 01/04/2005)
12/27/2004	•7	Pro Se Petitioner's NOTICE that his attempts to exhaust state remedies has proven futile by Walter Howard (Nici, Richard) (Entered: 01/04/2005)
12/27/2004	•9	MOTION for Leave to Appeal in forma pauperis by Walter Howard.(Nici, Richard) (Entered: 01/12/2005)
01/07/2005	•8	MOTION for Extension of Time to 1/14/05 to File Answer re <u>1</u> Petition for writ of habeas corpus (28:2254) by Robert Murphy.(Reardon, Susanne) (Entered: 01/07/2005)
01/07/2005	•	Judge Douglas P. Woodlock : Electronic ORDER entered granting <u>8</u> Motion for Extension of Time to respond to petition. Response due 1/14/05. (Rynne, Michelle) (Entered: 01/07/2005)
01/13/2005	•10	MOTION to Dismiss <i>habeas corpus petition as time-barred</i> by Robert Murphy.(Reardon, Susanne) (Entered: 01/13/2005)
01/13/2005	•11	MEMORANDUM in Support re <u>10</u> MOTION to Dismiss <i>habeas corpus petition as time-barred</i> filed by Robert Murphy. (Attachments: # <u>1</u> Exhibit Docket sheets)(Reardon, Susanne) (Entered: 01/13/2005)

01/21/2005	• 12	Petitioner's MEMORANDUM in Opposition re <u>10</u> MOTION to Dismiss <i>habeas corpus petition as time-barred</i> filed by Walter Howard. (Nici, Richard) (Entered: 01/27/2005)
02/09/2005	• 14	Judge Douglas P. Woodlock : MEMORANDUM AND ORDER entered granting <u>10</u> Motion to Dismiss (Woodlock, Douglas) (Entered: 02/09/2005)
02/09/2005	• 15	Judge Douglas P. Woodlock : ORDER OF DISMISSAL OF CASE entered.(Greenberg, Rebecca) (Entered: 02/09/2005)
02/14/2005	• 16	MOTION for Reconsideration re <u>15</u> Order Dismissing Case by Walter Howard. Motion is unscannable.(Nici, Richard) (Entered: 02/17/2005)
02/16/2005	• 17	REQUEST FOR CERTIFICATE OF APPEALABILITY (Nici, Richard) Text Modified on 3/10/2005 (Rynne, Michelle). (Entered: 03/03/2005)
02/17/2005	•	Judge Douglas P. Woodlock : Electronic ORDER entered denying [16] Motion for Reconsideration (Rynne, Michelle) (Entered: 02/22/2005)
03/10/2005	•	Judge Douglas P. Woodlock : Electronic ORDER entered DENYING <u>17</u> Request for Certificate of Appealability.(Rynne, Michelle) (Entered: 03/10/2005)
03/14/2005	• 18	NOTICE OF APPEAL as to <u>15</u> Order Dismissing Case by Walter Howard. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/4/2005. (Nici, Richard) (Entered: 03/16/2005)